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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,019	07/25/2001	Ira J. Simon	10384	9665

7590 01/14/2003

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EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	SIMON ET AL.	
09/917,019		
Examiner	Art Unit	
Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 31 October 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-21,23-33 and 35-43 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8,13-21,23-33 and 35-43 is/are rejected.

7) Claim(s) 9-12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 October 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other: \_\_\_\_\_

## DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37, 41 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 37, line 3, there is no antecedent basis for "said lever handle". In line 1 of claims 41 and 42, there is no antecedent basis for "said lock in said handle". In line 2 of claims 41 and 42, there is no antecedent basis for 'said rotated position".

Claim 19 is objected to because of the following informalities: In lines 12 and 14 of claim 19, "rotatably" is misspelled. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 19-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Best et al (110).

Best et al (110) teaches cylindrical (30) lock assembly including a latchbolt 10, lock body 15, retractor 24, spindle (the portion of knob 17 which engages the pins 34), a handle 17, a cylinder lock 16 including a housing 39, a cam 34, 30, 29 for unlatching the latchbolt, a key for insertion into what may be regarded as a mortise lock cylinder, a

door trim plate 41, an attachment plate 40, wherein the trim plate 41 may be pulled with the key inserted and rotated within the lock. It is also noted that all of the components of Best, including the door and secured together. A door is not being positively claimed, and the door of Best may also be regarded as part of a securement means between the lock body and trim plate. No particular connecting means between the trim plate and retractor is being claimed to preclude use of the Best et al reference.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Roy (217).

Roy teaches a pull plate extension 32. To modify the trim 41 of Best et al (110) to include a pull plate extension, would have been obvious in view of the teaching of Roy, to simplify opening of the door upon key unlocking rotation.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of the Photograph of door pull manufactured by Triangle Brass Manufacturing. To modify the trim 41 of Best et al to include a tapering door pull, would have been obvious in view of the teaching of the Photograph.

Claims 7, 8, 31, 32, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Shen (760) or Berger et al (975).

Shen teaches trim and attachment plates 11, 12 adapting a lock 30 for removal capabilities, as does Berger et al 24, 40 teach trim and attachment plates allowing lock 30 removal. To modify the trim and attachment plates 40, 41 of Best et al such that the lock is adapted to be removed, would have been obvious in view of the teaching of either Shen or Berger et al, to allow a re-keyed lock to be substituted, as is well known in the lock art.

Claims 13-18, 25-30, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Foshee (691) and Storlie et al. Foshee teaches a notch 58 in a chassis plate 34 used with a notch 59 in a spindle for cooperation with a radial member 56 carried by the spindle, and a rotational-to-translational motion mechanism 53, 55. Wu teaches locking a handle in either a bolt locked or unlocked position utilizing elements 23 and 41, as set forth on page 2, lines 52-65. Nehls teaches a bolt held in a locked or unlocked position (see apertures 55, 56), and a handle 32 illustrating the indication of a bolt extended and retracted position. To substitute a handle cooperable with alignable notches and a radial member used for locking the handle in bolt latched and unlatched positions for the handle of Best et al, would have been obvious in view of the respective teachings of Foshee and either Wu or Nehls, to allow the handle to be kept locked in a bolt unlatched position, for an emergency situation.

Claims 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foshee (691) in view of either Wu or Nehls.

All of the references have been discussed above. To modify the handle lock assembly of Foshee to include a second set of notches to lock the handle in a bolt unlatched or latched condition, would have been obvious in view of the teaching of either Wu or Nehls, for the reason outlined above.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Foshee reference as applied to claim 35 above, and further in view of either Storlie et al or Kester et al.

To modify the handle of Foshee to include a lever, would have been obvious in view of the teaching of either Storlie et al or Kester et al, since either type would function just as well.

Claims 33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Foshee and either Wu or Nehls.

All of the references have been discussed above. To substitute a handle cooperable with alignable notches and a radial member used for locking the handle in latched and unlatched positions for the handle of Best et al, would have been obvious in view of the respective teachings of Foshee and either Wu or Nehls, to allow the handle to be kept locked in a bolt unlatched position, for an emergency situation.

Applicant's arguments with respect to claims 1-8, 13-21, 23-33 and 35-43 have been considered but are moot in view of the new ground(s) of rejection.

Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

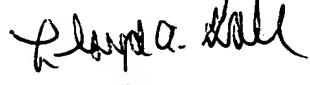
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lai and Michaud also teach a handle capable of being locked in a bolt unlatched position. Eads teaches fasteners 42, 45 in fig. 4 for securing a bolt retractor 25 to a door trim plate 22.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

LG LG  
January 12, 2003

  
Lloyd A. Gall  
Primary Examiner